

Aqua Illinois, Inc.)
) CHIEF CLERK'S OFFICE
)
) Docket No. 06-0669
Petition Requesting Order of Service)
)

PETITION OF V3 MONEE LLC TO INTERVENE AS AN ACTIVE PARTY

Petitioner, V3 Monee LLC, by and through its attorneys Wildman, Harrold, Allen & Dixon, LLP, pursuant to Section 200.200 of the Rules of Practice of the Illinois Commerce Commission ("Commission") (83 Ill. Adm. Code 200.200) seeks leave to intervene as an active party in the above captioned proceeding. In support of its Petition, V3 Monee, LLC states as follows:

1. Petitioner's name, address, telephone number, facsimile number and e-mail address, through its attorneys are:

V3 Monee LLC
Attention: Dan Flanagan
Land Acquisition Manager
V3 Realty Company, L.L.C.
7325 Janes Avenue
Woodridge, Illinois 60517
Telephone (630) 724-1200 Fax: (630) 724-1211
dflanagan@v3realty.com www.v3realty.com

Petitioner hereby designates the following persons to receive service on its behalf:

Bart Murphy, Esq. (murphy@wildmanharrold.com)
Michael Roth, Esq. (roth@wildmanharrold.com)
Elizabeth McKillip, Esq. (mckillip@wildmanharrold.com)
Wildman, Harrold, Allen & Dixon LLP
2300 Cabot Drive, Suite 455
Lisle, Illinois 60532
630-955-0555
630-955-0662 (fax)

2. Statement of the nature of the Petitioner's interest:

Petitioner is the owner and developer of the 216 acre Ironhorse Subdivision near the intersection of Crete-Monee and Old Monee Roads in the Village of Monee, Illinois ("Subdivision"). The Village of Monee ("Monee") is an Illinois non-home rule municipal corporation organized and operating under the laws of the State of Illinois. Aqua Illinois Inc. ("Aqua") is the Designated Management Agency for the Facilities Planning Area for wastewater treatment, which includes the Subdivision and Monee, as designated by the Northeastern Illinois Planning Commission ("NIPC").

Monee and Aqua previously had a written agreement for the treatment and disposal of Monee's wastewater by Aqua. Said agreement expired on October 16, 2006. Prior to expiration of the agreement, Monee filed this action complaining that Aqua has improperly refused to provide sanitary sewer service to areas within the Village of Monee, specifically including the Subdivision, and seeking an order to compel Aqua to provide such service.

There are currently pending three Illinois Commerce Commission proceedings relating to wastewater treatment and service by Aqua, to the territory within and nearby Monee, including the Subdivision. Specifically, in addition to this matter, Aqua has filed a motion under case number 06-0685 on October 16, 2006 seeking emergency relief that the Commission (a) authorize on a temporary basis, the continuation of rates permitted pursuant to a 1986 agreement between Aqua Illinois and Monee; (b) award the recovery of costs to construct or otherwise obtain additional capacity necessitated by Monee's failure to secure alternative wholesale wastewater treatment services; (c) prohibit Monee from requesting additional capacity; and (d) order Monee to obtain alternative service by a date certain. Also, in case number 06-0655, filed

October 6, 2006, Aqua is seeking to expand its service territory to provide service to new customers outside its certificated service area.

This proceeding, as well as the other two, may materially affect V3 Monee's development and sale of properties to its real estate customers. As a real estate developer in the State of Illinois, Village of Monee and the Facilities Planning Area as designated by NIPC to be serviced by Aqua, V3 Monee has an interest in the provision of wastewater treatment services by Aqua to Monee.

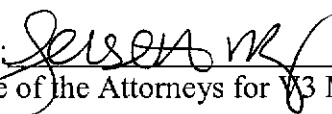
3. Petitioner agrees to accept service by electronic means as provided for in Section 200.1050.

4. The granting of this petition will not impose delay on these proceedings.

WHEREFORE, for the above stated reasons, V3 Monee, LLC hereby respectfully requests that:

- i. The Commission grant its Petition to Intervene and make V3 Monee, LLC an active party to the above captioned proceeding;
- ii. The Commission deny Aqua Illinois' Petition to expand its service territory, and its motion for emergency relief that the Village not extend new wastewater services and terminate services at any definite date.
- iii. For such further and additional relief as is necessary to protect Petitioner's rights and interests.

Respectfully Submitted,

BY: 
One of the Attorneys for V3 Monee LLC

Bart Murphy, Esq.
Michael Roth, Esq.
Elizabeth McKillip, Esq.
Wildman, Harrold, Allen & Dixon LLP
2300 Cabot Drive, Suite 455
Lisle, Illinois 60532
630-955-0555
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VERIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that he is the Land Acquisition Manager of V3 Monee LLC, Petitioner herein and the statements set forth in this Petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes that same to be true.

V3 Monee LLC

By 

Daniel Flanagan, Land Acquisition Manager


STATE OF ILLINOIS)

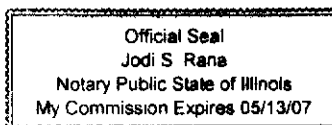
COUNTY OF ~~DUPAGE~~ ^{DeKalb})

I Jodi Rana, a Notary Public for this county and state, certify that Daniel Flanagan, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he is the Land Acquisition Manager of V3 Realty LLC, an Illinois limited liability company, and that he is authorized to sign the instrument on behalf of said company, and acknowledged to me that he executed the within instrument as said company's free act and deed, for the uses and purposes therein set forth.

Given under my hand and official seal this 17th day of January, 2007.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


Notary Public



(SEAL)

My Commission Expires: 5-13-07

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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NOTICE OF FILING

Please take notice that, on January 17, 2007, Elizabeth McKillip caused to be filed on behalf of V3 Monee LLC the attached Appearance, Petition to Intervene as an Active Party and Motion to Consolidate via overnight mail to the Chief Clerk of the Illinois Commerce Commission, 527 East Capital Avenue, Springfield, Illinois 62701.

Dated: January 17, 2007


Elizabeth A. McKillip

Bart Murphy, Esq.
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Elizabeth A. McKillip, Esq.
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Attorneys for V3 Monee LLC

CERTIFICATE OF SERVICE

Elizabeth A. McKillip, an attorney, hereby certifies that she served a copy of the attached Notice of Filing, Appearance, Petition to Intervene as an Active Party and Motion to Consolidate on the individuals shown on the attached Service List, via electronic mail delivery, and U.S. mail on January 17, 2007.


Elizabeth A. McKillip

Service List
Docket No. 06-0669

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